

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE NO.:W.P. No.5643 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	07.03.2023	<u>CMR, I</u> Learned Assistant Government Pleader for Municipal Administration & Urban Development takes notice for respondent No.1. Learned Government Pleader for Revenue takes notice for respondent Nos.2 and 4. Sri M. Manohar Reddy, learned Standing Counsel takes notice for respondent No.3 and requests time to obtain instructions. Print the name of Sri M. Manohar Reddy, learned Standing Counsel for respondent No.3. Print the name of Sri S. Arifulla, learned Standing Counsel for respondent No.5 – A.P. State Wakf Board. Issue notice to respondent Nos.6 and 7. Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.6 and 7 by registered post with acknowledgment due and file proof of service in the Registry.	

		List the matter after three (3) weeks. <u>CMR, J</u> <u>I.A.No.1 of 2023</u> The grievance of the writ petitioner is that without obtaining any permission as required under law from the 2nd respondent - District Collector, respondent No.6 - Welfare Society has been making an effort to construct a shopping complex within the premises of the burial ground which is a communal property within the limits of the 3rd respondent - Municipality and that already marking has been given as shown in the photographs which are produced by the petitioner and that the 7th respondent has laid the foundation for construction of the said shopping complex. When the property in question is the communal property within the limits of 3rd respondent - Municipal Corporation earmarked for use by the public as burial ground, no construction of any shopping complex is legally permissible in the said premises by private parties like respondent No.6. In fact, even as can be seen from the proceedings of the Commissioner of 3rd respondent - Municipal Corporation, dated 02.02.2023, it is clearly stated in it that as it is a religious issue that no construction should be made in the said land without prior permission of the District Collector - cum - Magistrate. Learned Standing Counsel for respondent No.3 would request time to seek instructions whether any such permission	
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was accorded by the 2nd respondent – District Collector to respondent No.6 to construct any such shop rooms in the burial ground or not.

Therefore, in the said facts and circumstances of the case, there shall be interim direction to respondent Nos.2 to 5 not to permit respondent No.6 to construct any shopping complex in the burial ground covered by Sy.No.396/1 of Ponnur Municipality by demolishing the existing compound wall and arch. Respondent Nos.6 and 7 are also directed not to proceed further to construct any such shopping complex in the burial ground in the above land and not to demolish the existing compound wall and arch, till the next date of hearing.

CMR, J

Note: Issue CC by 09.03.2023.

B/o
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